

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

HEATHER DONNELLE GRIFFITH

Debtor

U.S. BANK, NATIONAL ASSOCIATION  
AS TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE  
AGENCY

Movant

vs.

HEATHER DONNELLE GRIFFITH and  
SCOTT F. WATERMAN, Trustee

Respondents

:  
:  
:  
: BANKRUPTCY NO. 19-14959-PMM  
:  
: CHAPTER 13  
:  
: L.B.R. 9014-3  
:  
: HEARING: **November 3, 2020**  
: AT 10:00 A.M.  
: U. S. Bankruptcy Court  
: Courtroom 4<sup>th</sup> Floor  
: The Gateway Building  
: 201 Penn Street, Suite 103  
: Reading, PA 19601  
:

**MOTION OF U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE PENNSYLVANIA HOUSING  
FINANCE AGENCY FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT U.S. BANK NATIONAL  
ASSOCIATION AS TRUSTEE FOR THE PENNSYLVANIA HOUSING  
FINANCE AGENCY TO FORECLOSE ON 12 FINDY AVENUE, BETHLEHEM, PA 18015**

TO THE HONORABLE PATRICIA M. MAYER, U. S. BANKRUPTCY JUDGE:

AND NOW comes U.S. Bank National Association as Trustee for The Pennsylvania Housing Finance Agency, by its attorneys, Purcell, Krug & Haller, and files this Motion to obtain relief from the automatic stay pursuant to Section 362(d) of the Bankruptcy Code as follows:

1. That this is a contested matter under Rule 9014 brought pursuant to 11 USC Section 362(d).

2. Movant, U.S. Bank National Association as Trustee for The Pennsylvania Housing Finance Agency, is a national association with a servicing agent of Pennsylvania Housing Finance Agency with an office located at 211 North Front Street, Harrisburg, Pennsylvania 17101.

3. Respondent, Heather Donnelle Griffith, is an adult individual whose last known address is 12 Findy Avenue, Bethlehem, Pennsylvania 18015.

4. Respondent, Scott F. Waterman, is the Trustee duly appointed in the above case with a place of business at Suite 100, 2901 St. Lawrence Avenue, Reading, Pennsylvania 19606.

5. On or about August 27, 1998, Respondent executed and delivered a Mortgage Note in the sum of \$70,950.00, payable to Ft Mortgage Companies d/b/a MNC Mortgage, a copy of said Mortgage Note being attached hereto and made a part hereof as Exhibit "A".

6. Contemporaneously with and at the time of the execution of the aforesaid Mortgage Note, in order to secure payment of the same, Respondent executed and delivered to FT Mortgage Companies d/b/a MNC Mortgage a certain real estate Mortgage, recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania, in Book 1998-1, Page 115561 on August 27, 1998, conveying to FT Mortgage Companies d/b/a MNC Mortgage the real estate described therein. Said Mortgage is incorporated herein by reference. Said Mortgage was subsequently assigned to The Pennsylvania Housing Finance Agency as recorded in the aforementioned County recorded in Book 1998-1, Page 115570. Said Mortgage was further assigned to First Union National Bank as Trustee for The Pennsylvania Housing Finance Agency as recorded in the aforementioned County in book 2001-1, Page 61196, on April 6, 2001. Said Mortgage was further assigned to U.S. Bank, National Association Trustee for Pennsylvania Housing Finance Agency as recorded in the aforementioned County at Instrument No. 2012020699 on July 10, 2012. Said Assignments of Mortgage are incorporated herein by reference.

7. The land subject to the Mortgage is known and numbered as 12 Finady Avenue, Bethlehem, Pennsylvania 18015.

8. The balance owed Movant is approximately \$95,000.00.

9. Other liens against the property are:

Mortgage: Pennsylvania Housing Finance Agency dated August 27, 1998 and recorded August 27, 1998, in Book 1998-1, Page 115567, in the amount of \$1,881.66.

Mortgage: Secretary of Housing and Urban Development dated November 15, 1999 and recorded March 14, 2000 in Book 2000-1, Page 29228, in the amount of \$2,144.00.

Judgment: Midland Credit Management filed October 2, 2006, to Case No. 2006-7950 in the amount of \$4,566.33.

Judgment: Steve Sawyer filed January 5, 2007, to Case No. 2007-112, in the amount of \$4,238.45.

10. The value of the real estate is approximately \$81,268.00 (per Debtor's Schedules).

11. After allowance of exemptions to which Debtor has claims in the Bankruptcy Petition, the value of the aforesaid Property to be sold is grossly insufficient to pay the record liens against the property as well as costs that could be incurred by the Trustee in selling the said property.

12. No equity exists in said property for the benefit of the unsecured creditors.

13. The provisions of the Plan require a full debt payoff to PHFA.

14. Since the filing date of August 6, 2019, only \$1,834.98 has been paid to PHFA. Debtor has made three payments to the Trustee totaling \$5,400.00 Debtor has failed to make eleven monthly payments to the Trustee.

15. The Debtor is substantially in arrears on her required payments to the Trustee.

16. Debtor has failed to pay the taxes sand insurance as follows:

(a)	08/29/19	School taxes	\$1,880.10
(b)	03/01/20	County tax	\$ 394.33
(c)	03/01/20	City tax	\$ 608.87
(d)	03/09/20	Insurance	\$2,096.00
(e)	08/2020	School taxes	\$1,877.09
	TOTAL		\$6,856.39

17. Movant is entitled to relief for cause.

WHEREFORE, Movant prays for the entry of an Order terminating the automatic stay and granting Movant leave to exercise its State Court foreclosure rights and that such further relief be granted as your Honorable Court deems fair and equitable.

PURCELL, KRUG & HALLER

By: /s/Leon P. Haller  
Leon P. Haller  
Attorney for Movant  
1719 North Front Street  
Harrisburg, PA 17102-2392  
(717)234-4178  
Attorney ID #15700  
Attorney for Movant  
lhaller@pkh.com

Dated: October 5, 2020